

REMARKS/ARGUMENTS

Claims 1-24 are pending in the application. By virtue of this amendment, claims 2-4,6,8,10,11,17,18,20,22, and 23 have been cancelled and claims 1,7,9,16,19,21, and 24 have been amended.

Initially, Applicant acknowledges with appreciation the indication that claims 7,11,18,19, 21 and 24 include allowable subject matter. Applicant has appropriately rewritten the subject allowable claims into independent form and/or incorporated the subject matter thereof into selected ones of the original independent claims as described in more detail below.

Claims 1-8 currently stand rejected under 35 USC Section 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More specifically, the Examiner has indicated that it is unclear whether Applicant intends to claim the subcombination of the member alone, or the combination of the member and the pack inasmuch as claim 1 currently claims only the member with functional language implying its use with a pack, while claims 3, 4, 6, and 8 recite specific structure of the pack.

The rejection is traversed and should be withdrawn inasmuch as dependent claims 3, 4, 6, and 8 which recite specific structure of the pack have been cancelled without prejudice thus leaving claims 1 and 2 which recite the subcombination of the member alone with only functional language implying the member's use with a pack. Dependent claim 8 has been rewritten in independent form to incorporate the subject matter of allowable dependent claim 7 and now recites the combination of the member and a golf bag.

Claims 1-5,9,10, and 12-17 stand rejected under 35 USC Section 102(b) as being anticipated by US Patent No. 6,199,732 to Swetish. Claims 1,6,8,16,17,20,22, and 23 stand

rejected under 35 USC Section 102(b) as being anticipated by US Patent No. 5,419,472 to Lamar. Claims 8,16,22, and 23 stand rejected under 35 USC Section 103(a) as being unpatentable over US Patent No. 6,199,732 to Swetish in view of US Patent No. 5,419,472 to Lamar.

Each of these rejections is traversed and should be withdrawn for the reasons described in more detail below.

Initially, Applicant notes that independent claim 1 has been amended initially to recite the subject matter of dependent claim 2, i.e., that the arms of the support member are made of a flexible core material. Claim 1 has been further amended to recite that the use of a flexible core material for the arms, such as for example the flexible core material from which structures such as the popular "SnakeLight" are made, allows the shape and bend of the arms of the support member to be changed along the length of the arms into any one or more selected bent and curved positions against the waist and/or hips of the wearer and further wherein the flexible core material itself allows the arms to retain the selected bent and curved position against the waist and/or hips of the wearer when the arms are released by the wearer.

These amendments do not introduce any new matter and are supported in all of the FIGURES and the description at, for example, page 6, lines 16-31 to page 7, lines 1-4 of the specification.

Neither Swetish or Lamar disclose or suggest a support member with arms made of flexible core material. Specifically, Lamar discloses only a waist band or belt made of a flexible solid fabric material, not a core material as that shown in, for example, FIGURES 1-3 of this

application. Lamar also discloses that the lower end 46 of each strap 42 of the waist band is the structure which allows the waist band to remain in its bent, secured position around the waist of the wearer. However, as now recited in amended independent claim 1, it is the flexible core material of the arms themselves which allows the arms to retain their position around the waist and/or hips of the wearer, rather than straps or the like other dependent structure such as that disclosed in Lamar.

Stated another way, the retention of the arms in their bent and curved configuration even after the arms have been released into position by the user is not dependent upon any other supporting structure associated with the arms but rather is made possible solely and independently by the arms themselves as a result of the flexible core material from which the arms have been constructed, i.e., a material which by its very nature and construction is adapted to retain the shape into which it is bent.

There is also no disclosure or suggestion in Swetish that the arms of the support member disclosed therein are made of a flexible core material and, more specifically, there is no disclosure or suggestion in Swetish that the arms disclosed therein are made of a flexible core material which, as now recited in claim 1 as presently amended, allows the shape of the arms to be changed along the length of the arms. Neither the shape nor bend of the arms of the support member disclosed in Swetish can be changed at any point along either of the arms. As a matter of fact, Swetish teaches away from any such construction inasmuch as the disclosure therein teaches that the arms are adapted to change position an/or orientation (not shape) by virtue of their pivotal securement about respective hinge members 36 and 38 rather than by virtue of the

use of a flexible core or the like material, as in the present invention, which allows the shape and bend of the arms to be changed.

The rejection with respect to dependent claims 2-6 and 8 is moot inasmuch as claims 2-6 have been cancelled without prejudice.

As discussed above, allowable dependent claim 7 has been appropriately rewritten in independent form.

The rejection with respect to independent claim 9 is also moot inasmuch as claim 9 has been appropriately amended to incorporate the subject matter of allowable dependent claim 11.

Dependent claims 10 and 11 have been appropriately cancelled inasmuch as the allowable subject matter thereof has been incorporated into independent claim 9.

Claims 12-15, being dependent upon independent claim 9 as presently amended to incorporate the subject matter of allowable claim 11, are allowable for the same reasons as independent claim 9.

The rejection with respect to independent claim 16 is also moot inasmuch as claim 16 has been appropriately amended to incorporate the subject matter of allowable dependent claim 18.

Dependent claims 17 and 18 have been cancelled without prejudice.

Claim 19, which as amended is now dependent upon allowable amended independent claim 16, is allowable for the same reasons as independent claim 16.

Dependent Claim 20 has been cancelled without prejudice.

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Allowable dependent claim 21 has been appropriately rewritten in independent form.

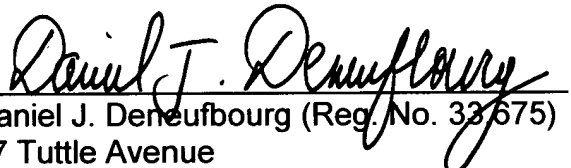
Dependent claims 22 and 23 have been cancelled without prejudice.

Allowable dependent claim 24 has been appropriately rewritten in independent form.

Applicant thus contends that the application is now in condition for allowance in view of the amendments and remarks above. Thus, the allowance of pending claims 1, 7, 9, 12-16, 19, 21, and 24 and the passing of this application to issue are now respectfully requested.

Respectfully submitted,

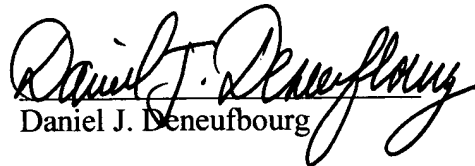
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CERTIFICATE OF MAILING

The undersigned hereby certifies that the foregoing AMENDMENT AND RESPONSE UNDER RULE 111 is being deposited with the United States Postal Service via Express Mail service (Express Mail Label No. ED 580815354 US) in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 19th day of October, 2006.


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